



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 3738-02  
20 December 2002

SSGT [REDACTED] USMC  
[REDACTED]  
[REDACTED]

D. [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 December 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB) in your case, dated 5 April 2002, the advisory opinion from the HQMC Manpower Management Information Systems Division (MIFD), dated 8 August 2002, and the electronic mail from MIFD dated 9 December 2002, copies of which are attached. They also considered your rebuttal letters dated 31 May and 12 October 2002, each with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB and the advisory opinion from MIFD. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

3738-00

IN REPLY REFER TO:  
1610  
MMER/PERB  
APR 5 2002

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF  
SERGEANT [REDACTED] USMC

Ref: (a) SSgt [REDACTED] Form 149 of 23 Jan 02  
(b) MCO P1610.7E  
(c) MCO P1610.7E w/Ch 1  
(d) MCO 6100.10B

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 3 April 2002 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 981001 to 990515 (CH). Reference (b) applies.
- b. Report B - 990516 to 991214 (TR). Reference (c) applies.

2. The petitioner contends he was not referred to a Credentialed Health Care Provider for evaluation prior to being placed on the Military Appearance Program. Hence, he finds his assignment to that program two days prior to the end of the reporting period covered by Report A, and inclusion of said information in the two challenged fitness reports, as inappropriate. To support his appeal, the petitioner furnishes an extract from reference (d), the fitness reports at issue, a printout from the Marine Corps Total Force System (MCTFS), and a statement from HM1 [REDACTED]

3. In its proceedings, the PERB concluded that both reports are administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. The statement written by [REDACTED] MCAS Futenma Branch Clinic has been contradicted by a telephone conversation with M [REDACTED] the Reporting Senior of record. [REDACTED] indicated the petitioner was, in fact, seen by the Independent Duty Corpsman assigned to the Inspector-Instructor Staff and was screened by a Reserve Medical Officer at the Reserve Center. Major [REDACTED] also indicated that during the period covered by

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Report A the petitioner had been given more than sufficient opportunity to conform to standards. After numerous counseling, the petitioner met his height and weight standards but continued to exhibit poor military appearance. Because of this, he was not able to participate in community relation type duties, an essential part of the job for all members of the Inspector-Instructor Staff.

b. Reports A and B are two and a half to three years old; anything could have happened to the medical documentation during that time. The appropriate Unit Diary entries were made and the petitioner's assignment to the Military Appearance Program was correctly included on the fitness reports. What is of paramount importance is that the petitioner's height and weight were not in question. It was his personal appearance that was identified as a problem and appropriate measures taken to identify and correct the situation.

c. As with Report A, the adversity of Report B was that he was assigned to the Military Appearance Program. He again declined to make a statement in his own behalf, thereby indicating passive agreement with the contents of the report. Whatever concerns the petitioner had, he should have surfaced them when he acknowledged the adverse nature of both reports. To do so at this juncture lacks timeliness, credibility, and substantive documentation.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness reports should remain a part of Staff Sergeant [REDACTED] official military record.

5. The case is forwarded for final action.

[REDACTED]

Chairperson, Performance  
Evaluation Review Board  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps

3728-02



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:  
1070  
MIFD  
8 AUG 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF STAFF SERGEANT [REDACTED]  
[REDACTED] USMC

1. Staff Sergeant [REDACTED] application with supporting documents has been reviewed concerning his request for removal of the military appearance entry dated 19990513 to 19991101 from the Marine Corps Total Force System (MCTFS).

2. MCO 6100.10, Weight Control and Military Appearance, contains guidance in the assignment to the Marine Corps weight control and/or military appearance program. A commander must adhere to specific administrative procedures if a Marine has been determined to be overweight or their physical appearance does not meet acceptable Marine Corps standards.

3. MCO P1080.40, Marine Corps Total Force System Personnel Reporting Instructions Manual (MCTFSPRIM) provides guidance in reporting weight control and/or military appearance information into the MCTFS.

4. The following comments/opinions are provided concerning the military appearance entry.

a. Staff Sergeant [REDACTED] required to receive a command directed medical evaluation from an appropriate credentialed health care provider (ACHCP) prior to his assignment to the military appearance program per MCO 6100.10.

b. A review of the documented evidence enclosed in Staff Sergeant [REDACTED] application, the two fitness reports noted in his application as enclosure (2) and (3), and his MCTFS D114 Remarks Page indicate that his commander may have followed proper administrative procedures per MCO 6100.10 and the MCTFSPRIM.

5. Staff Sergeant [REDACTED] claims that his record contains an injustice because he did not see "a Credentialed Health Care Provider or a Medical Officer" before being assigned to the military appearance program per MCO 6100.10. To support this, he provides a statement from [REDACTED] and EMAILs from Gunnery Sergeant [REDACTED] Staff Sergeant [REDACTED]. At no time during this entire administrative process did Staff Sergeant [REDACTED] refute or contest the event until now, approximately three years later. An attempt was made by this office to verify [REDACTED] statement through Staff Sergeant [REDACTED] unit and they have not responded to date.

Subj: BCNR APPLICATION IN THE CASE OF STAFF SERGEAN [REDACTED]  
[REDACTED] USMC

6. In view of the above, it is recommended that:

a. The Board for Correction of Naval Records disapprove Staff Sergeant [REDACTED] request for removal of the military appearance entry dated 19990513 to 19991101 from the MCTFS.

b. If the Board for Correction of Naval Records finds that Staff Sergeant [REDACTED] records are in error or an injustice was committed, approve his request for the removal of the military appearance entry dated 19990513 to 19991101 from the MCTFS.

7. Point of contact [REDACTED]

[REDACTED]

Director  
Manpower Management Information  
Systems Division

**George, Brian J**

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**From:** [REDACTED] [mailto:anpower.usmc.mil]  
**Sent:** [REDACTED], December 10, 2002, 12:29 PM  
**To:** [REDACTED]  
**Subject:** [REDACTED]

Brian, please see the PERB "MEMORANDUM" 1610 MMER/PERB dated Apr 5 2002, paragraph 3a. In that paragraph, the Reporting Senior of record contradicts the contents of the EMAIL that you are sending. What do you think? I CAN SEE WHY THIS CAN BE VERY CONFUSING, WHAT WITH ALL THE [REDACTED].